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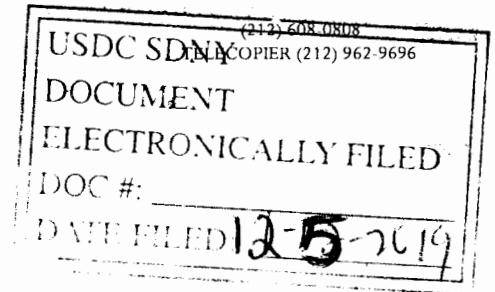
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December 5, 2019

The Honorable Laura Taylor Swain
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

MEMO ENDORSED



Consent Letter Motion

RE: United States v. Brandon Alvarez, 19 Cr. 23 (LTS)

Your Honor:

I am writing to request a 30-day continuance of the sentencing hearing in this case. The government has no objection.

The reason for the request is that there are two open matters pending against my client in a County Court in Florida which we would like to have resolved before the sentencing hearing. These are referred to in paragraphs 35 and 43 of the Pre-Sentence Report.

Until we received the PSR my client was unaware that there were pending bench warrants in these (or any) cases. He immediately retained a criminal lawyer in Osceola County, Florida, to identify the cases and attempt to resolve them, either by proxy (since they are both fairly minor misdemeanor cases) or by having my client appear in the Osceola County Court to vacate the warrants and resolve the cases.

Since that time the attorney has been unresponsive to my client and nothing has been done about vacating the warrants. My client is arranging this week to hire a different attorney in an effort to get the cases resolved. If they remain as "open warrants" at the time he is sentenced he could have serious problems with being eligible for any furloughs or half-way house detentions, should he be sentenced to a term of imprisonment in the case before Your Honor.

I have discussed this matter with AUSA Nicholas Chiuchiolo who is representing the government in this case, and he has no objection to this request. I will file a pre-sentence submission two weeks prior to the new sentence date, if the Court grants this application.

I would note that I will be unavailable on January 15 and 16 (I have a hearing in Washington, DC, on those dates), the mornings of January 22 and January 29 I will be in Immigration Court, and from February 10 through February 14 I will be out of the United States. I hope there is a convenient date for the Court on any of the other dates in January (or early February, if necessary).

Thank you very much for Your Honor's consideration of this request, and I apologize that I did not make it sooner.


Sincerely,

Thomas H. Nooter
THOMAS H. NOOTER
Attorney for Defendant

cc: AUSA Nicholas Chiuchiolo, by ECF
USPO Meghan Biggs, by email

The sentencing is adjourned to
January 22, 2020, at 2:00pm
and the submission deadlines
are modified accordingly.

SO ORDERED:

 12/5/19
HON. LAURA TAYLOR SWAIN
UNITED STATES DISTRICT JUDGE